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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SUPERIOR MEDICAL RESPONSE INC.

Docket No.:

-Plaintiff-

-against-

COMPLAINT AND DEMAND FOR JURY TRIAL

CAPITOL SPECIALTY INSURANCE INC.

-Defendant-

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Plaintiff, Superior Medical Response Inc. (hereinafter “SMR Inc.”) by way of complaint states the following:

NATURE OF THE CLAIMS

1. This is a civil action for declaratory relief to redress Defendant’s unlawful practice of disclaiming insurance coverage to SMR Inc., in violation of the contract that exists between the parties.

PARTIES

2. SMR Inc. is a commercial entity in the business of patient transportation with a principal place of business at 20 Jobstown Juliustown Road, Jobstown, New Jersey 08041.
3. Capitol Specialty Insurance Co. (hereinafter “Capitol Specialty”) is a specialty insurance provider with a principal place of business at [enter address].

VENUE AND JURISDICTION

4. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) because there is complete diversity of citizenship between Plaintiff and Defendants and the amount in controversy exceeds \$75,000.
5. Venue is proper in this District under 28 U.S.C. § 1391 because substantial part of the events or omissions giving rise to the claim occurred.

FACTS

6. SMR Inc. has an insurance policy with Capitol Specialty, which covers professional liability, general liability, and sexual misconduct liability.
7. Logisticare Solutions, LLC (hereinafter “Logisticare”) is in the business of patient transportation and operates within the State of New Jersey.
8. Logisticare and SMR Inc. have an existing Transportation Agreement that was signed in 2013.
9. Pursuant to the terms of the Transportation Agreement, Logisticare has to be added as an additional insured party under the existing insurance policy with Capitol Specialty.
10. The requirements needed to make this addition were sent to Capitol Specialty’s agent, a broker – Strategic Insurance Agency, Inc. (“Strategic”)
11. On May 21, 2018, Strategic issued a certificate of liability insurance where Logisticare was listed as an additional insured
12. On October 29, 2020, a lawsuit was filed against Logisticare Inc. and SMR Inc. on the following grounds: negligence against SMR Inc.; respondeat superior against SMR Inc.; negligence against Logisticare; respondeat superior against Logisticare; and John Doe Defendants.

13. On June 24, 2020, Capitol Specialty issued a partial disclaimer of coverage, disclaiming coverage for Logisticare, in violation of the existing contract.

COUNT ONE (Declaratory Judgment)

14. SMR Inc. reincorporates and realleges paragraphs 1 through 13 as if fully set forth at length herein.

15. Capital Specialty refuses to provide coverage and/or acknowledge joint coverage responsibilities for the October 29, 2020 lawsuit.

WHEREFORE, Plaintiff, SMR Inc., demands a declaratory judgment against Defendant, Capitol Specialty for Capitol Specialty to provide insurance coverage to Logisticare as an additional insured party under SMR Inc.'s policy with Capitol Specialty, as per the contract, as well as attorneys fees, cost, and expenses in relation to the prosecution of this matter.

/s/Kadochnikov
Alexander Kadochnikov, Esq.